

REMARKS

Claims 1-4 are pending in this application. By this Amendment, the title is amended. Reconsideration based on the above amendments and the following remarks is respectfully requested.

Applicant's appreciate the courtesies shown to Applicant's representative by Examiner Davis in the December 2, 2004 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

I. The Application Satisfies the Requirements of 37 C.F.R. §1.55(a)(2)

The Office Action asserts that the present application did not properly claim foreign priority. Further the Office Action asserts that, in order for a patent issuing on the instant application to obtain the benefit of priority based on priority papers filed in Parent Application No. 09/584,370 under 35 U.S.C. §119(a)-(d) or (f), the claim for such foreign priority must be timely made in this application. This is respectfully traversed.

Applicant respectfully submits that priority was properly claimed under 35 U.S.C. §119 as indicated by box number 6 of the Continuing Application Transmittal filed with this application on September 8, 2003. Box number 6 of the Continuing Application Transmittal further indicates that the certified copy was filed in the prior Application No. 09/584,370 filed on May 31, 2000. Further, the Office Action indicates that certified copies of the priority documents have been received in Application No. 09/584,370 on page 1. Thus, and as acknowledged during the personal interview, Applicant respectfully submits that the requirement of 37 C.F.R. §1.55(a)(2) has been satisfied as the Applicant has identified the application containing the certified copy.

II. The Specification Satisfies All Formalities

The Office Action objects to the title as it is not descriptive. Accordingly, the title is amended so as to clearly indicate the invention to which the claims are directed. Withdrawal of this objection is respectfully requested.

III. Double Patenting Rejection

Claims 1-4 are rejected to under the judicially created doctrine of double patenting over claims 1-4 of U.S. Patent No. 6,643,095. Applicant submits a Terminal Disclaimer to overcome the double patenting rejection. Withdrawal of this rejection is respectfully requested.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Terminal Disclaimer
Rule 53(b) Continuation Transmittal filed September 8, 2003

Date: December 9, 2004

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